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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
8076.147USD1	800	288.000	A. Nelson	1638

CERTIFICATE UNDER 37 CFR 1.10

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Date of Deposit: October 18, 2001

I hereby certify that this paper or fee is being deposited with the U S Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C 20231

By   
Name: Chris Stordahl

11050 U.S. PTO  
10/085853  
10/18/01

DIVISIONAL APPLICATION UNDER 37 C.F.R. § 1.53(b)

BOX PATENT APPLICATION  
Commissioner for Patents  
Washington, DC 20231

Dear Sir:

This is a request for filing a divisional application under 37 CFR § 1.53(b) of Serial No. 08/983,564, filed on June 9, 1998 entitled METHOD FOR PRODUCING HUMAN HEMOGLOBIN PROTEINS USING PLANT CELLS by the following inventor(s):

Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	MEROT	Bertrand	
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	F-63530 Volvic	France	France
Post Office Address	Post Office Address	City	State & Zip Code/Country
	3, la Coussedlere	F-63530 Volvic	France

2	<b>Full Name Of Inventor</b>	<b>Family Name</b> DIERYCK	<b>First Given Name</b> Wilfrid	<b>Second Given Name</b>
0	<b>Residence &amp; Citizenship</b>	<b>City</b> F-77178 Saint-Pathus	<b>State or Foreign Country</b> France	<b>Country of Citizenship</b> France
2	<b>Post Office Address</b>	<b>Post Office Address</b> 14, rue du Rhin	<b>City</b> F-77178 Saint-Pathus	<b>State &amp; Zip Code/Country</b> France
2	<b>Full Name Of Inventor</b>	<b>Family Name</b> LENEE	<b>First Given Name</b> Philippe	<b>Second Given Name</b>
0	<b>Residence &amp; Citizenship</b>	<b>City</b> F-98800, Noumea	<b>State or Foreign Country</b> France	<b>Country of Citizenship</b> France
3	<b>Post Office Address</b>	<b>Post Office Address</b> 4, rue Beaudelaire - Haut-Magenta, Boite postale 14555	<b>City</b> F-98800, Noumea	<b>State &amp; Zip Code/Country</b> France
2	<b>Full Name Of Inventor</b>	<b>Family Name</b> MARDEN	<b>First Given Name</b> Michael	<b>Second Given Name</b>
0	<b>Residence &amp; Citizenship</b>	<b>City</b> F-93600 Aulnay-sous-Bois	<b>State or Foreign Country</b> France	<b>Country of Citizenship</b> United States of America
4	<b>Post Office Address</b>	<b>Post Office Address</b> 21, avenue Gambetta	<b>City</b> F-93600 Aulnay-sous-Bois	<b>State &amp; Zip Code/Country</b> France
2	<b>Full Name Of Inventor</b>	<b>Family Name</b> GRUBER	<b>First Given Name</b> Veronique	<b>Second Given Name</b>
0	<b>Residence &amp; Citizenship</b>	<b>City</b> F-63400 Chamalieres	<b>State or Foreign Country</b> France	<b>Country of Citizenship</b> France
5	<b>Post Office Address</b>	<b>Post Office Address</b> 44, avenue Jean-Jaures	<b>City</b> F-63400 Chamalieres	<b>State &amp; Zip Code/Country</b> France
2	<b>Full Name Of Inventor</b>	<b>Family Name</b> PAGNIER	<b>First Given Name</b> Renee-Josee	<b>Second Given Name</b>
0	<b>Residence &amp; Citizenship</b>	<b>City</b> F-94270 Le Kremlin-Bicetre	<b>State or Foreign Country</b> France	<b>Country of Citizenship</b> France
6	<b>Post Office Address</b>	<b>Post Office Address</b> 8, rue Jean-Monnet	<b>City</b> F-94270 Le Kremlin-Bicetre	<b>State &amp; Zip Code/Country</b> France
2	<b>Full Name Of Inventor</b>	<b>Family Name</b> BAUDINO	<b>First Given Name</b> Sylvie	<b>Second Given Name</b>
0	<b>Residence &amp; Citizenship</b>	<b>City</b> F-63870 Orcines	<b>State or Foreign Country</b> France	<b>Country of Citizenship</b> France
7	<b>Post Office Address</b>	<b>Post Office Address</b> 2, lotissement des Volcans	<b>City</b> F-63870 Orcines	<b>State &amp; Zip Code/Country</b> France
2	<b>Full Name Of Inventor</b>	<b>Family Name</b> POYART	<b>First Given Name</b> Claude	<b>Second Given Name</b>
0	<b>Residence &amp; Citizenship</b>	<b>City</b> F-75013, Paris	<b>State or Foreign Country</b> France	<b>Country of Citizenship</b> France
8	<b>Post Office Address</b>	<b>Post Office Address</b> 67, rue Croulebarbe	<b>City</b> F-75013, Paris	<b>State &amp; Zip Code/Country</b> France

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, oath or declaration showing the applicant's signature, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 85 pages of specification, 42 claims, 11 sheets of drawings, and 24 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☐ Cancel original claims of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below, based upon entry of the Preliminary Amendment:

**CLAIMS AS FILED**

NUMBER FILED	NUMBER EXTRA		RATE	FEE
<b>TOTAL CLAIMS:</b>				
11 -20	0	x	\$0.00	0.00
<b>INDEPENDENT CLAIMS</b>				
3 -3	0	x	\$0.00	0.00
			<b>BASIC FILING FEE:</b>	<b>\$740.00</b>
			<b>TOTAL FILING FEE:</b>	<b>740.00</b>

- ☐ Small entity status is claimed pursuant to 37 CFR 1.27.
4. ☒ Payment of fees:
    - ☒ Attached is a check in the amount of 740.00
    - ☐ Please charge Deposit Account No. 13-2725.
  5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
  6. ☒ Amend the specification by inserting before the first line the sentence:
 

"This application is a divisional of application Serial No. 08/983,564, filed June 9, 1998, which is a national stage of PCT/FR96/01123, filed July 17, 1996, which application(s) are incorporated herein by reference."
  7. ☒ A set of formal drawings (11 sheets) is enclosed.
  8. ☒ Priority of application Serial No. 95/08615, filed on July 17, 1995 in France, is claimed under 35 U.S.C. 119.
  - ☒ The certified copy has been filed in prior application Serial No. 08/983,564, filed June 9, 1998.
  9. ☒ The prior application is assigned of record to Meristem Therapeutics and Institut National de la Sante et de la Recherche Medicale located at Clermont-Ferrand, France and Paris Cedex 13, France, respectively.

10. ☒ The Power of Attorney in the prior application is to:
- Merchant & Gould P.C.  
Minneapolis, MN 55402-2215
11. ☒ A preliminary amendment and a one-page abstract are enclosed.
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☒ Also Enclosed: Verified English translation of PCT/FR96/01123; Information Disclosure Statement, Form 1449; Communication Regarding Sequence Listing, paper copy of Sequence Listing
16. ☒ Address all future communications to the **Attention of Katherine M. Kowalchyk** (may only be completed by attorney or agent of record) at the address below.
17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300



Date: October 18, 2001

*Katherine M Kowalchyk*  
Katherine M. Kowalchyk  
Reg. No. 36,848  
KMKOWALCHYK/kas

S/N unknown

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MEROT et al. Serial No.: unknown  
Filed: concurrent herewith Docket No.: 8076.147USD1  
Title: METHOD FOR PRODUCING HUMAN HEMOGLOBIN PROTEINS USING  
PLANT CELLS

CERTIFICATE UNDER 37 CFR 1.10

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By: 

Name: Chris Stordahl

COMMUNICATION REGARDING SEQUENCE LISTING

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This paper is being filed in accordance with 37 CFR § 1.822-§1.825. In connection with the above-identified application, enclosed please find a paper copy form of the Sequence Listing. A computer readable form of the Sequence listing is not enclosed as it was previously submitted to the U.S. Patent and Trademark Office by hand delivery on July 12, 2001 in the parent application, U.S. Serial No. 08/983,564 filed on June 9, 1998. Applicants request that the United States Patent and Trademark Office use the computer readable format submitted on July 12, 2001 in the parent case. Applicants submit that the paper copy of the Sequence Listing and the computer readable form are the same and do not include any new matter.

Respectfully submitted,

MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, Minnesota 55402-0903

(612) 332-5300

Dated: October 18, 2001

By: 

Katherine M. Kowalchuk

Reg. No. 36,848

KMK/kas